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PATENTS DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: M. J. Amdahl

Serial No.: 09/975,853

Filed: October 12, 2001

Title: A METHOD OF DETERMINING
THE INITIA DOSE OF VITAMIN D
COMPOUNDS

Case No.: 6741.US.01

Group Art No.: (not yet assigned)

Examiner: (not yet assigned)

I hereby certify that this paper (along with any paper referred
to as being attached or enclosed) is being deposited with the
United States Postal Service on the date shown below with
sufficient postage as first class mail in an envelope addressed
to the:

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: April 17, 2002

Tanya Parent 4/17/02
Tanya Parent Date

Commissioner for Patents
Washington D.C. 20231

COPY OF PAPER.
ORIGINALLY FILED

TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for the patent application identified above entitled A METHOD OF
DETERMINING THE INITIA DOSE OF VITAMIN D COMPOUNDS are the following:

1. Communication;
2. Copy of Notice of Incomplete Nonprovisional Application dated 3/19/02;
3. Copy of Response to Notice dated 2/5/02;
4. Copy of Petition dated 2/5/02; and
5. Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional Filing Fees required
under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17
associated with this communication for which full payment had not been tendered, to Deposit
Account No. 01-0025.



23492

ABBOTT LABORATORIES
Telephone: (847) 937-0042
Facsimile: (847) 938-2623

Respectfully submitted,
M. J. Amdahl

Gregory W. Steele
Gregory W. Steele
Registration No. 33,796
Attorney for Applicants



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Tanya Parent Date

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Washington, D.C. 20231

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COMMUNICATION

Dear Sir:

The following is in response to the Notice of Incomplete Nonprovisional Application dated March 19, 2002, a copy of which is enclosed. Applicant believes said Notice was transmitted in error because a response to an earlier Notice (dated February 5, 2002) was submitted. A copy of the prior response is also enclosed. Please withdraw the Notice of March 19, 2002.



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Respectfully submitted,
M. J. Amdahl

Gregory W. Steele
Gregory W. Steele
Registration No. 33,796
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,853	10/12/2001	Michael J. Amdahl	6741.US.01

CONFIRMATION NO. 9852

FORMALITIES LETTER



OC000000007671580

Steven F. Weinstock
Abbott Laboratories
D-377/ AP6D-2
100 Abbott Park Road
Abbott Park, IL 60064-6050

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Date Mailed: 03/19/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

L. MOGUSS

Customer Service Center

Initial Patent Examination Division (703) 308-1202

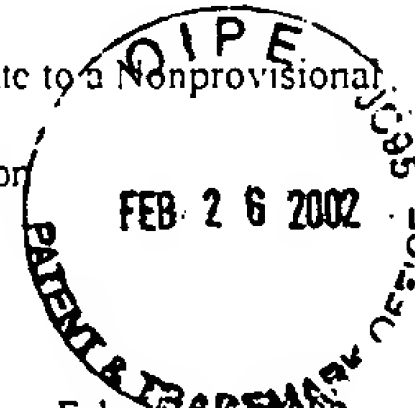
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Patent Office Mail Room: Will you please affix the Patent Office Stamp and return this card to acknowledge receipt of the following documents:

Applicants: M. Amdahl
Serial No.: 09/975,853
Filing Date: October 12, 2001
Title: A METHOD OF DETERMINING THE INITIAL DOSE OF VITAMIN D COMPOUNDS



1. Transmittal Letter
2. Petition Pursuant to 37CFR 1.53(e) to Accord a filing date to a Nonprovisional Application, in duplicate
3. Copy of Notice of Incomplete Nonprovisional Application
4. Drawings (Figure 1 - Figure 2), 2 sheets
5. Copy of Request for Extension of Time, in duplicate
6. Return Receipt Postcard

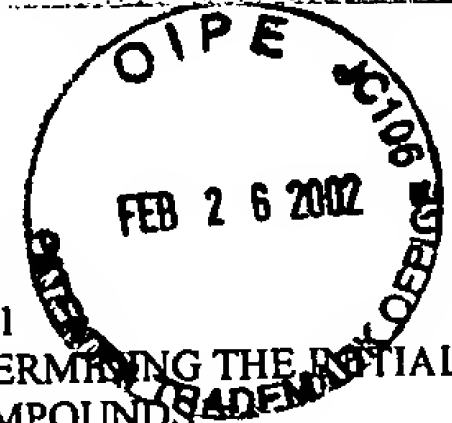


All mailed to the Patent and Trademark Office by First Class Mail on February 5, 2002.

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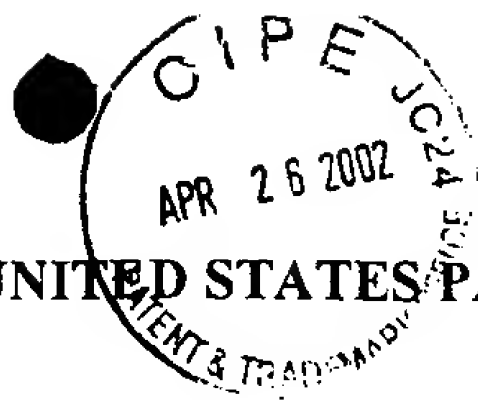
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Serial No.: 09/975,853
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Title: A METHOD OF DETERMINING THE INITIAL DOSE OF VITAMIN D COMPOUNDS



1. Transmittal Letter
2. Response to Notice to File Missing parts of Application, in duplicate
3. Copy of Notice of Incomplete Nonprovisional Application
4. Request for One-Month Extension of Time, in duplicate
5. Executed Declaration and Power of Attorney
6. Return Receipt Postcard

All mailed to the Patent and Trademark Office by First Class Mail on February 5, 2002.



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Amdahl

Serial No.: 09/975,853

Filed: October 12, 2001

Title: A METHOD OF DETERMINING
THE INITIAL DOSE OF VITAMIN D
COMPOUNDS

Case No.: 6741.US.01

Group Art No.: (not yet assigned)

Examiner: (not yet assigned)

I hereby certify that this paper (along with any paper referred to as
being attached or enclosed) is being deposited with the United States
Postal Service on the date shown below with sufficient postage as
first class mail in an envelope addressed to the:

Box Missing Parts

Assistant Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: February 5, 2002

Tanya Parent

2/5/02
Date

Box Missing Parts

Assistant Commissioner for Patents

Washington D.C. 20231

TRANSMITTAL LETTER

COPY OF PAPERS
ORIGINALLY FILED

Dear Sir:

Enclosed herewith for the patent application identified above entitled A METHOD OF
DETERMINING THE INITIAL DOSE OF VITAMIN D COMPOUNDS are the following:

1. Response to Notice to File Missing Parts of Application, in duplicate;
2. Copy of Notice of Incomplete Nonprovisional Application;
3. Request for One-Month Extension of Time, in duplicate;
4. Executed Declaration and Power of Attorney; and
5. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any additional Filing Fees required
under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17
associated with this communication for which full payment had not been tendered, to Deposit
Account No. 01-0025.



23492

ABBOTT LABORATORIES

Telephone: (847) 937-0042

Facsimile: (847) 938-2623

Respectfully submitted,
M. Amdahl

Gregory W. Steele

Registration No. 33,796

Attorney for Applicants

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTS

Applicant: M. Amdahl

Serial No.: 09/975,853

Filed: October 12, 2001

Title: A METHOD OF DETERMINING
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Case No.: 6741.US.01

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Assistant Commissioner for Patents
Washington, D.C. 20231, on:

Date of Deposit: February 5, 2002

Tanya Parent 2/5/02
Tanya Parent Date

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPERS
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Dear Sir:

In response to the Notice to File Missing Parts of Application dated November 16, 2001 in the patent application identified above, applicant submits herewith an executed Declaration and Power of Attorney. The Commissioner is hereby authorized to charge the required surcharge of \$130.00 to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.



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ABBOTT LABORATORIES
Telephone: (847) 937-0042
Facsimile: (847) 938-2623

Respectfully submitted,
M. Amdahl

Gregory W. Steele
Gregory W. Steele
Registration No. 33,796
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,853	10/12/2001	Michael J. Amdahl	6741.US.01

CONFIRMATION NO. 9852

FORMALITIES LETTER



OC000000007074898

Steven F. Weinstock
Abbott Laboratories
D-377/ AP6D-2
100 Abbott Park Road
Abbott Park, IL 60064-6050

COPY OF PAPERS
ORIGINALLY FILED

Date Mailed: 11/15/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is unsigned.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Amdahl

Serial No.: 09/975,853

Filed: October 12, 2001

Title: A METHOD OF DETERMINING
THE INITIAL DOSE OF VITAMIN D
COMPOUNDS

Case No.: 6741.US.01

Group Art No.: (not yet assigned)

Examiner: (not yet assigned)

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first class mail in an envelope addressed to the:

Office of Petitions

Assistant Commissioner for Patents

Washington, D.C. 20231, on:

Date of Deposit: February 5, 2002

Tanya Parent 2/5/02
Tanya Parent DateOffice of Petitions
Assistant Commissioner for Patents
Washington D.C. 20231COPY OF PAPERS
ORIGINALLY FILEDTRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for the patent application identified above entitled A METHOD OF
DETERMINING THE INITIAL DOSE OF VITAMIN D COMPOUNDS are the following:

1. Petition Pursuant to 37CFR 1.53(e) to Accord a Filing Date to a Nonprovisional Application, in duplicate;
2. Copy of Notice of Incomplete Nonprovisional Application;
3. Drawings (Figure 1 – Figure 2), 2 sheets;
4. Copy of Request for Extension of Time, in duplicate; and
5. Return Receipt Postcard

The Commissioner is hereby authorized to charge any additional Filing Fees required
under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17
associated with this communication for which full payment had not been tendered, to Deposit
Account No. 01-0025.

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Telephone: (847) 937-0042
Facsimile: (847) 938-2623Respectfully submitted,
M. AmdahlGregory W. Steele
Gregory W. Steele
Registration No. 33,796
Attorney for Applicants



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Amdahl

Serial No.: 09/975,853

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Washington, D.C. 20231, on:

Date of Deposit: February 5, 2002

Tanya Parent 2/5/02
Tanya Parent Date

Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

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PETITION PURSUANT TO 37 CFR 1.53(e)
TO ACCORD A FILING DATE TO A NONPROVISIONAL APPLICATION

Dear Sirs:

Applicant hereby petitions for review of the decision to NOT grant a filing date of 12 October 2001 to the above-identified application. A copy of the "Notice of Incomplete Nonprovisional Application" mailed 11/15/2001 is enclosed.

It was noted by the Office that the application was filed without drawings. However, Applicant asserts that the drawings are NOT "necessary for the understanding of the subject matter sought to be patented." 35 U.S.C 113. The drawings of the present application were inadvertently omitted upon filing. A copy of the drawings (informal) are included with this petition.

As can be seen by reference to the specification, Figure 1 shows an observed dose versus baseline PTH (dashed line) and the predicted dose versus the baseline PTH (solid line). Figure 2 shows the difference in the observed dose and the predicted dose versus baseline PTH. Brief Description of the Drawings, page 4, lines 6-9. Furthermore, in Example 1, pages 8-9, regression analysis of historical patient data was used to generate a model for determination of initial dose. The resulting model equation was "initial dose=baseline PTH/80". The slope of the line predicted by the model was then compared to the actual data. Figures 1 and 2 are merely representations of the resulting comparison and are not critical to understand the invention.

Because Figures 1 and 2 are not necessary for the understanding of the subject matter sought to be patented, the above application should be accorded a filing date of 12 October 2001.


The Commissioner is hereby authorized to charge the required Petition fee under 37 CFR 1.17(h) of \$130.00 to Deposit Account No. 01-0025. Applicant respectfully request that upon grant of the Petition, the fee be refunded. Also enclosed is a copy of the Request for One-month extension of time, sent February 5, 2002, under separate cover with the Executed Declaration to the Office of Missing Parts. A duplicate copy of this sheet is enclosed.



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Respectfully submitted,
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Washington, D.C. 20231, on:

Date of Deposit: February 5, 2002

Tanya Parent 2/5/02
Tanya Parent Date

Box Missing Parts

Assistant Commissioner for Patents

Washington, D.C. 20231

REQUEST FOR EXTENSION OF TIME

Dear Sir:

With regard to the application identified above, Applicants hereby petition the Assistant Commissioner for Patents to extend the period for response to the Notice of Incomplete Nonprovisional Application mailed on November 15, 2001, for one month from January 15, 2002 to February 15, 2002. Please charge Deposit Account No. 01-0025 in the amount of \$110.00 for the associated extension fee. Any deficiency or overpayment should be charged or credited, respectively, to the above numbered deposit account. A duplicate copy of this sheet is enclosed.



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